

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI IN THE
SOUTHWESTERN DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,) Civil No. 3:19-cv-05031-MDH
vs.)
DYNO NOBEL, INC.,)
Defendant)

)

Having reached an agreement in principle on most of the terms necessary to resolve this matter, the Parties jointly move this Court to stay all proceedings in this matter for thirty (30) days in order to allow the Parties to focus exclusively on an effort to complete the final terms of a consent decree that the Parties ultimately expect to be lodged with this Court.

SUGGESTIONS IN SUPPORT

In further support of this motion, the Parties state as follows:

1. Pursuant to the Notice of Inclusion in the Mediation and Assessment Program, ECF No. 2, the Parties engaged in settlement negotiations with an outside mediator on September 26, 2019.
2. While the Parties did not reach settlement that day, a general schedule for negotiations on the remaining issues was agreed upon.
3. Through those subsequent negotiations, the Parties reached an agreement in principle but still need to reach agreement on a few additional points, and then be in a position to recommend a final agreement to their principals for approval.

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4. The Parties are now working toward memorializing the further terms and conditions of their agreement in principle in a formal written settlement that they intend to be embodied in a consent decree.

5. Any settlement will be subject to ultimate approval or disapproval by higher level government officials with the requisite authority and Defendant's higher level management, as well as this Court after a public comment period.

6. A stay of discovery will promote the "just, speedy, and inexpensive determination" of this action, Fed. R. Civ. P. 1, because it will (a) avoid the burdens of unnecessary discovery on the Parties, and (b) avoid the waste of judicial resources by requiring this Court's attention to any discovery disputes that may arise.

7. In the event discovery is not stayed, the parties will need to issue and respond to written discovery that will be both costly and time consuming, and divert finite resources from finalizing settlement.

8. At this time, the Parties are not asking the Court to amend any deadline in the Scheduling and Trial Order, ECF. No. 23.

9. The Parties will provide the Court with updates on this matter at any time as directed by the Court during the pendency of the stay.

For the foregoing reasons, the Parties respectfully ask this Court to grant this motion and to stay all proceedings in this action.

Dated: October 24, 2019

Respectfully submitted,

FOR PLAINTIFF UNITED STATES OF AMERICA

/s/ Zachary N. Moor

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FOR DEFENDANT DYNOMOBEL, INC.

/s/ Michael A. Zody

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CERTIFICATE OF SERVICE

I hereby certify that on October 24, 2019, I electronically filed the foregoing with the clerk of Court using the CM/ECF system which sent notification of such filing to all registered participants.

/s/ Zachary N. Moor

ZACHARY N. MOOR, MA #681469
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United States Department of Justice

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